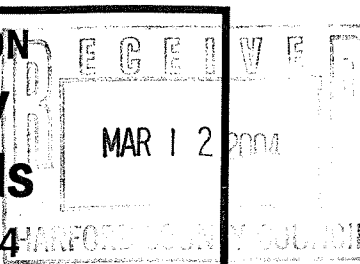


**STANDARD APPLICATION**  
**Harford County**  
**Board of Appeals**  
Bel Air, Maryland 21014



Case No. 5411  
Date Filed 3-10-04  
Hearing Date \_\_\_\_\_  
Receipt \_\_\_\_\_  
Fee \$700-

*Shaded Areas for Office Use Only*

Type of Application	Nature of Request and Section(s) of Code
<input type="checkbox"/> Administrative Decision/Interpretation	CASE 5411 MAP 48 TYPE Variance
<input type="checkbox"/> Special Exception	
<input checked="" type="checkbox"/> Use Variance	ELECTION DISTRICT 3 LOCATION 912-916 Vale Road, Bel Air, Md. 21014
<input type="checkbox"/> Change/Extension of Non-Conforming Use	BY James & Lynda Quigg, 1407 Beetree Court, Bel Air, Md. 21014
<input type="checkbox"/> Minor Area Variance	
<input type="checkbox"/> Area Variance	Appealed because a variance pursuant to Section 267-34C, Table II of the Harford County Code to
<input type="checkbox"/> Variance from Requirements of the Code	create a lot with less than 2 acres and a variance pursuant to Section 267-34D(3) of the Harford County
<input type="checkbox"/> Zoning Map/Drafting Correction	Code to create a lot without a development right in an Agricultural District requires approval by the
	Board.

**NOTE:** A pre-conference is required for property within the NRD/Critical Area or requests for an Integrated Community Shopping Center, a Planned Residential Development, mobile home park and Special Exceptions.

**Applicant/Owner (please print or type)**

Name Mr. and Mrs. James A. Quigg Phone Number 410-838-6631

Address 1407 Beetree Ct. Bel Air MD 21014  
*Street Number Street City State Zip Code*

Co-Applicant \_\_\_\_\_ Phone Number \_\_\_\_\_

Address \_\_\_\_\_  
*Street Number Street City State Zip Code*

Contract Purchaser \_\_\_\_\_ Phone Number \_\_\_\_\_

Address \_\_\_\_\_  
*Street Number Street City State Zip Code*

Attorney/Representative Michael S. Birch Phone Number 410-838-3038

Address 311 Kenmore Ave. Bel Air MD 21014  
*Street Number Street City State Zip Code*

**Land Description**

Address and Location of Property 912 Vale Road, Bel Air, Maryland 21014 AND  
916 Vale Road, Bel Air, MD 21014

N Of Vale

Subdivision \_\_\_\_\_

Lot Number \_\_\_\_\_

Acreage/Lot Size 3.811 AC Election District 3

Zoning AG

Tax Map No. 031041999 Grid No. 1D Parcel 81 Water/Sewer: Private XX Public \_\_\_\_\_

List ALL structures on property and current use: two (2) dwelling houses

Estimated time required to present case: one-half (1/2) hour

If this Appeal is in reference to a Building Permit, state number N/A

Would approval of this petition violate the covenants and restrictions for your property? No

Is this property located within the County's Chesapeake Bay Critical Area? Yes \_\_\_\_\_ No XX

If so, what is the Critical Area Land Use designations: N/A

Is this request the result of a zoning enforcement investigation? Yes \_\_\_\_\_ No XX

Is this request within one (1) mile of any incorporated town limits? Yes \_\_\_\_\_ No XX

**Request**

See attached sheet.

**Justification**

See attached sheet.

*If additional space is needed, attach sheet to application. In answering the above questions, please refer to the Requirements that pertain to the type of approval request. (Special Exception, Variance, Critical Area or Natural Resource District (NRD) Variance, etc.)*

**REQUEST:**

The parties are owners of a tract or parcel of land in the THIRD ELECTION DISTRICT on the northerly side of Vale Road, just east of Grafton Shop Road. The property consists of 3.811 acres, and was formerly 2 smaller parcels. The property is improved by 2 dwellings, as shown on the plat attached hereto. The dwelling closest to Vale Road was built in the late 19th-early 20th century, and was presumably the original dwelling on what was once a 35-acre farm. The second dwelling, which is shown on the plat as a simple rectangle, was a barrack-type dwelling moved from Aberdeen Proving Grounds sometime on or about the World War II era. As an additional dwelling on the farm property, it has been completely renovated and is currently occupied by the son of the applicants. The applicants' other son wishes to renovate the older dwelling, which is currently vacant.

**JUSTIFICATION:**

The property in question is almost totally surrounded by more intense zoning. The property is bounded on the north by Timberlea Subdivision, which is zoned rural residential. The property is bounded on the east and south by properties that are zoned R1. The property is less than 100 feet from public water and sewer. The property is unique in that 2 dwellings have existed on what has become a relatively small parcel. While this was once a fairly rural area, it has now become part of the suburbs lying between Bel Air and Fallston, and has lost much of its agricultural character and the reason for its agricultural zoning. The effect on the neighborhood would be minimal, since the houses are already in existence and already served by separate well and septic systems.

LIBER 1168 FILE 0826

**JAMES M. HARKINS**  
HARFORD COUNTY EXECUTIVE

**JOHN J. O'NEILL, JR.**  
DIRECTOR OF ADMINISTRATION



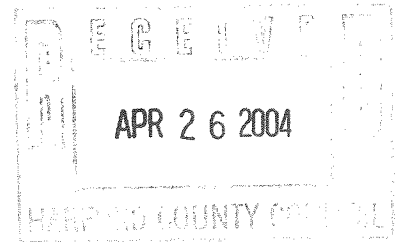
**J. STEVEN KALL-ZIEGLER**  
DIRECTOR OF PLANNING & ZONING

## HARFORD COUNTY GOVERNMENT

### Department of Planning and Zoning

April 26, 2004

#### **STAFF REPORT**



#### **BOARD OF APPEALS CASE NO. 5411**

APPLICANT/OWNER: Mr. and Mrs. James A. Quigg  
1407 Beetree Court, Bel Air, Maryland 21014

REPRESENTATIVE: Michael S. Birch  
311 Kenmore Ave., Bel Air, Maryland 21014

LOCATION: 912 – 916 Vale Road, Bel Air, Maryland 21014  
Tax Map: 48 / Grid: 1D / Parcel: 81  
Election District: Third (3)

ACREAGE: 3.811 acres

ZONING: AG/Agricultural

DATE FILED: March 10, 2004

HEARING DATE: May 5, 2004

#### **APPLICANTS' REQUEST and JUSTIFICATION:**

See Attachment 1.

#### **CODE REQUIREMENTS:**

The Applicants are requesting a variance pursuant to Section 267-34C, Table II of the Harford County Code to create a lot with less than two acres, and a variance pursuant to Section 267-34D(3) of the Harford County Code to create a lot without a development right in an Agricultural District.

*Preserving our values, protecting our future*

## STAFF REPORT

Board of Appeals Case Number 5411

James & Lynda Quigg

Page 2 of 4

Enclosed is a copy of Section 267-34C, Table II of the Harford County Code (Attachment 2).

Section 267-34D(3) of the Harford County Code reads:

- (3) Residential development, on parcels as described in the land records of February 8, 1977, as provided below:*
  - (a) One lot shall be permitted on any parcel of land that is less than 11 acres.*
  - (b) Two lots shall be permitted on any parcel of land that is from 11 acres to 19.99 acres.*
  - (c) An additional lot shall be permitted for each additional 10 acres in excess of 20 acres.*
  - (d) An additional lot shall be permitted for any member of the immediate family of persons who were individual owners of record (not corporate, partnership or joint-venture owners) of the parcel. Immediate family shall be limited to fathers, mothers, brothers, sisters, sons and daughters.*
  - (e) Any new lot created pursuant to Subsection D(2)(a) through (d) above shall be a minimum of two acres unless the lot is located in an Agriculture Preservation District established pursuant to Section 2-501 et seq. of the Agriculture Article of the Annotated Code of Maryland, then the lot size shall be that as approved by the state. In the event that the primary parcel is removed from the district, the owner shall submit a revised subdivision plan, establishing a minimum lot size of two acres. At such time, the owner or his successors in title shall prepare and record the necessary deeds for the two-acre conveyance and shall notify, in writing, the Department of Planning and Zoning for the conveyance.*
  - (f) The development rights created herein may be transferred pursuant to Subsection D(4) below.*

### **LAND USE and ZONING ANALYSIS:**

#### **Land Use – Master Plan:**

The Applicants' property is located on the north side of Vale Road west of Red Pump Road. A location map and a copy of the Applicants' site plan are enclosed with the report (Attachments 3 and 4).

The subject property is located within the Development Envelope. The land use designations in the area include Low and Medium Intensities. The Natural Features Map reflects parks and stream valley systems. The subject property is designated as Low Intensity, which is defined by the Master Plan as:

**Low Intensity** – Areas within the Development Envelope where residential development is the primary land use. Density ranges from 1.0 to 3.5 dwelling units per acre. Neighborhood commercial uses such as convenience stores, doctors' offices, and banks are examples of some of the nonresidential uses associated with this designation.

## STAFF REPORT

Board of Appeals Case Number 5411

James & Lynda Quigg

Page 3 of 4

Enclosed with the report are copies of portions of the 1996 Land Use Map and the Natural Features Map (Attachments 5 and 6).

### Land Use – Existing:

The existing land uses in the area conform to the overall intent of the Master Plan. The predominant land use is residential. Residential uses include conventional single-family dwellings, garden apartments, townhouses and condominiums. Commercial uses are generally found within the Town of Bel Air and along Route 24. The parcel backs up to the Timberlea subdivision, which is a small, single-family development. Enclosed with report is a copy of the aerial photograph (Attachment 7).

The property is located northwest of Bel Air, on the north side of Vale Road west of Red Pump Road. The parcel consists of 3.811 acres. The topography of the site is mainly level (Attachment 8). The improvements consist of two structures (one is stone, brick and frame with attached two-car garage, and the second is an older frame structure) located to the front of the property. It did not appear that anyone was living in either structure on the day of inspection. Other improvements include two large storage buildings located to the rear of the property. Most of the rear of the property is planted in nursery stock. Land uses range from single-family subdivision to scattered residences, active farmland and large areas of dense woodland. Enclosed with the report is an enlargement of the aerial photograph and site photographs (Attachments 9 and 10).

### Zoning:

The zoning patterns conform to the overall intent of the Master Plan. Residential zoning ranges from RR/Rural Residential to R3/Urban Residential Districts. There are also large areas of AG/Agricultural zoning. Enclosed with the report is a copy of the Zoning Map (Attachment 11).

### **SUMMARY:**

The Applicants are requesting a variance pursuant to Section 267-34C, Table II of the Harford County Code to create a lot with less than two acres, and a variance pursuant to Section 267-34D(3) of the Harford County Code to create a lot without a development right in an Agricultural District.

Variances of this nature may be approved by the Board of Appeals pursuant to Section 267-11 of the Harford County Code, provided it finds by reason of the uniqueness of the property or topographical conditions that literal enforcement of the Code would result in practical difficulty and undue hardship. Further, the Applicants must show that the request will not be substantially detrimental to adjacent properties or will not materially impair the purpose of the Code or the public interest.

STAFF REPORT

Board of Appeals Case Number 5411

James & Lynda Quigg

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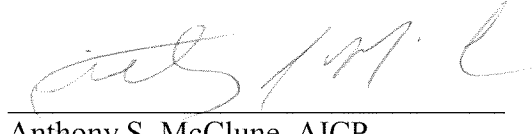
The Department finds that the property is not unique. The Applicants have provided very little information other than their stated desire to subdivide and the fact that the property once contained a non-conforming second dwelling. The second dwelling has not been occupied for some time and has lost its non-conforming status. Therefore, the second dwelling needs to be removed or converted to storage. Even if the property contained a valid non-conforming second dwelling, that alone would not justify the requested variances. Also, it should be noted that the zoning pattersins in the immediate area have remained unchanged since 1988.

**RECOMMENDATION and/or SUGGESTED CONDITIONS:**

The Department of Planning and Zoning finds no justification to support the request and recommends to the Hearing Examiner that the request be denied.



Dennis J. Sigler, Coordinator  
Zoning & Board of Appeals Review



Anthony S. McClune, AICP  
Deputy Director, Planning and Zoning

DJS/ASM/ka